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PATENT

Attorney Docket No. 90023-Y

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEIF et al.

Serial No.: 10/010,597

Art Unit: 1654

Filed: December 6, 2001

Examiner: L. LEARY

For: REAGENT SYSTEM AND METHOD FOR INCREASING THE LUMINESCENCE OF LANTHANIDE (III) MACROCYCLIC COMPLEXES

TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The applicants, Robert C. Leif and Lidia Vallarino, of 100% interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent Number 6,340,744, granted January 22, 2002. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that

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it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

Date

January 6, 2004

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Terminal Disclaimer fee under 37 CFR 1.20(d) included.

PTO suggested wording from terminal disclaimer was

unchanged  changed (if changed, an explanation should be supplied)